

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 23199 of 2004

Between:

- 1 M/s Deepika Traders rep. by its Proprietor Mr.V.Ragappa
Naidu S/o. Late V.Venkata Narasaiah, Hindu C/o.Sri
Bhagyalakshmi Raw and Boiled Rice Mill
Navlok Gardens, Nellore, Nellore District.
- 2 M/s Siva Sakthi Traders rep. by its Proprietor Mr.K.Perappa
Naidu S/o. Late Late K.Sanjeeva Naidu, Hindu C/o.Sri
Sangameswara Raw and Boiled Rice Mill
Allipuram Road, Allipuram, Nellore District.

... PETITIONERS

AND

- 1 The South Central Railway rep. by General Manager,
Rainilayam, Secunderabad.
- 2 The Divisioanl Railway Manager South Central Railway,
Vijayawada.
- 3 The Senior Divisional Operation Manager South Central
Railway, Vijayawada.
- 4 The Senior Divisioanl Commercial Manager South Central
Railway, Vijayawada.
- 5 The Chief Goods Supervisor South Central Railway,
Padugupadu (V) Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction, order or orders, more particularly one in the nature of writ of mandamus declaring the action of the respondent in not following the reservation

system i.e., first cum first serve basis, while lifting the rice for transportation through the respondents railway goods wagons and giving preference to the rich traders is illegal, arbitrary, malafide, contrary to the reservation policy and violation of principles of natural justice and consequentially direct the respondents to follow the reservation system strictly in accordance with first cum first serve basis in transportation of rice whenever bookings were made by the 5th respondent.

Counsel for the Petitioner: MR.A.CHANDRAI H NAIDU

Counsel for the Respondent No.: MR.C.V.VINITHA REDDY

The Court made the following:

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ORDER:

The question for consideration in this writ petition relates to allotment of wagons to the petitioners.

In the additional counter affidavit filed on behalf of the respondents, it is stated that the wagons were allotted to the petitioners, but they did not accept the same.

Whether petitioners are offered the wagons and if they refused that offer is a question of fact. Since disputed questions of fact cannot be gone into in this petition, petitioner, if so advised, can proceed against the respondents in a Civil Court.

Therefore, the writ petition is dismissed. No costs.

(C.Y.SOMAYAJULU, J)

Dated April 29, 2005.

YCR/cvrk

1 The General Manager, South Central Railway,
Rainilayam, Secunderabad.

2 The Divisional Railway Manager South Central Railway,

Vijayawada.

3 The Senior Divisional Operation Manager, South Central Railway, Vijayawada.

4 The Senior Divisional Commercial Manager South Central Railway, Vijayawada.

5 The Chief Goods Supervisor, South Central Railway, Padugupadu (V) Nellore District.

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